
STATUTORY INSTRUMENTS

2007 No. 3380

The Wireless Telegraphy (Licence Award) (No. 2) Regulations 2007

PART 4

PROCEDURE WHERE THERE IS ONLY ONE BIDDER

Paired frequency range selection menu

- 11.—(1) Where there is only one bidder, OFCOM shall notify that bidder of—
- (a) a deadline by when the bidder must deliver to OFCOM at Riverside House, 2a Southwark Bridge Road, London SE1 9HA a paired frequency range selection menu in the form set out in Schedule 5 completed in accordance with paragraph (2) and signed on its behalf by two authorised persons; and
 - (b) a further deadline by when the bidder must pay into OFCOM’s bank account by a same day electronic transfer, with accompanying information which identifies the bidder, a sum determined in accordance with paragraph (4).
- (2) The bidder must ensure that its selection of paired frequency ranges satisfies the following conditions—
- (a) the selection includes at least one paired frequency range;
 - (b) the selection includes no more than one paired frequency range in each band;
 - (c) the total amount of the prices indicated on the paired frequency range selection menu for the paired frequency ranges included in the selection is not greater than four hundred and twenty thousand pounds.
- (3) The licence fee shall be the total amount of the prices indicated on the paired frequency range selection menu for the paired frequency ranges selected by the bidder.
- (4) The sum which the bidder must pay to OFCOM shall be—
- (a) where the initial deposit has not been forfeited in accordance with regulation 64, a sum equal to the licence fee less the initial deposit;
 - (b) where the initial deposit has been so forfeited, a sum equal to the licence fee.
- (5) Where, due to the manner of completion, the completed paired frequency range selection menu is incomplete or defective but OFCOM believe that they can ascertain the bidder’s intention in relation to the making of the selection, OFCOM shall ask the bidder to confirm in a notice to OFCOM by a specified deadline that OFCOM have correctly ascertained the bidder’s intention in relation to the selection.
- (6) Where the bidder confirms in a notice given to OFCOM by the specified deadline which is signed by two authorised persons of that bidder that OFCOM have correctly ascertained the bidder’s intention, the menu in its entirety shall be accepted by OFCOM on that basis.
- (7) Where the bidder does not give such confirmation in a notice given to OFCOM by the specified deadline which is signed by two authorised persons of that bidder—

- (a) where the incompleteness or defect relates to one or more of the selections of paired frequency ranges made on the paired frequency range selection menu, that selection or those selections (as the case may be) shall be rejected by OFCOM and accordingly the bidder shall not be entitled to the grant of a licence for those selected paired frequency ranges;
- (b) where sub-paragraph (a) does not apply, the paired frequency range selection menu in its entirety shall be rejected by OFCOM and accordingly the bidder shall not be entitled to the grant of a licence and shall not receive a refund of its initial deposit, which shall (where it has not already been forfeited under regulation 64) be forfeited.

(8) Where all of the selections of paired frequency ranges made on the paired frequency ranges selection menu are rejected by OFCOM in accordance with paragraph (7)(a), the bidder shall not receive a refund of its initial deposit, which shall (where it has not already been forfeited under regulation 64) be forfeited.

(9) Where the bidder does not—

- (a) deliver a completed paired frequency range selection menu to OFCOM in accordance with paragraph (1)(a), or
- (b) pay OFCOM the required sum in accordance with paragraph (1)(b),

the bidder shall not be entitled to the grant of a licence and shall not receive a refund of its initial deposit, which shall (where it has not already been forfeited under regulation 64) be forfeited.